

Message

From: Maher, Lauren [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B31491F235ED4F42B8993457B426F4FE-MAHER, LAUR]
Sent: 10/31/2017 7:09:04 PM
To: Prabhu, Aditi [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4404f48570f84a5ba2a10692be5826e0-Prabhu, Aditi]
Subject: FW: ID WQS: Stevens Treaties Briefing
Attachments: EPA Disapproval ID Human Health Criteria.pdf; DOI Letter to EPA re Tribal Fishing Rights 1.30.15.pdf; EPA Comments on Idaho's Proposed HHC.PDF; EPA Comments ID HH Policy Recommendations.pdf; EPA Comments ID Revised HH Pre draft Neg. Rule 8_21_15.pdf; McLerran Letter to Tippetts IDEQ.PDF; 10) 58-0102-1201 Idaho Human Health Criteria Update Justification and Compliance With the CWA - Dec 2016.pdf; Idaho DEQ public-comment-summary-Dec 2015.pdf

Hi Aditi,

This email has EPA's comments to Idaho attached (list below). I've also attached Idaho's submission and their responses to EPA's comments on treaty rights.

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From: Maher, Lauren
Sent: Thursday, August 10, 2017 1:20 PM
To: Fotouhi, David <fotouhi.david@epa.gov>
Cc: Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Schroer, Lee <schroer.lee@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>; Castanon, Lisa <Castanon.Lisa@epa.gov>; Marshall, Tom <marshall.tom@epa.gov>; Szalay, Endre <Szalay.Endre@epa.gov>; Siciliano, CarolAnn <Siciliano.CarolAnn@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Prabhu, Aditi <Prabhu.Aditi@epa.gov>; Ford, Peter <Ford.Peter@epa.gov>; Brown, Leah <Brown.Leah@epa.gov>
Subject: ID WQS: Stevens Treaties Briefing

Hi David,

Thank you for being flexible in rescheduling this briefing. It looks like the week of August 21 we will have the relevant attendees available to participate. Would meeting that week work for you? If so, I will work with Gail to set up a one hour meeting.

In the meantime, we wanted to provide you with some of the materials that were discussed when we met two weeks ago, as well as the Supreme Court case that was mentioned during the call with the Idaho Attorney General's office, *Washington v. Passenger Fishing Vessel*. That case is attached, along with the below list of correspondence sent by EPA to Idaho regarding the State's water quality standards.

During our upcoming briefing with you, we plan to walk through Idaho's responses to EPA's comments addressing consideration of tribal treaty rights. In doing so, we will provide an analysis of the relevant treaty rights case law, of

which *Passenger Fishing Vessel* is a great primer. We will bring a chart to the meeting outlining EPA's comments, Idaho's responses, and the relevant case law. Please let us know if there are other topics that would be helpful to discuss.

Here is a list of the attached comments and communications from EPA to Idaho regarding Idaho's standards:

1. May 2012 Disapproval Letter
2. January 2015 Letter from DOI to EPA re Tribal Fishing Rights (sent to IDEQ)
3. March 2015 Comment Letter from EPA to Washington Dept. of Ecology re Washington's January 2015 Draft HHC Revisions (sent to IDEQ; pp. 5-9 of the pdf discuss treaty fishing rights)
4. May 2015 Letter from EPA to IDEQ re Idaho's Draft HHC Policy Recommendations (pp.1 and 5 of the pdf discuss treaty fishing rights)
5. August 2015 Letter from EPA to IDEQ re Idaho pre-Draft HHC Revisions (pp. 6-7 of the pdf discuss treaty fishing rights)
6. November 2015 Letter from EPA to IDEQ re Idaho's Draft HHC Revisions (pp. 8-10 discuss treaty fishing rights)
7. November 2016 EPA Federal HHC Rule for Washington (sent to IDEQ; pp. 23-41 discuss treaty fishing rights)
8. January 2017 Letter from EPA to IDEQ re EPA's Preliminary Review of Idaho's December 2016 Submission of Revised HHC

If there is other information we can provide, or if it would be helpful to talk sooner, please let us know.

Many thanks!

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From: Fotouhi, David
Sent: Tuesday, August 1, 2017 5:22 PM
To: Siciliano, CarolAnn <Siciliano.CarolAnn@epa.gov>
Cc: Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Schroer, Lee <schroer.lee@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>; Castanon, Lisa <Castanon.Lisa@epa.gov>; Marshall, Tom <marshall.tom@epa.gov>; Maher, Lauren <Maher.Lauren@epa.gov>
Subject: RE: Stevens Treaty briefing tomorrow: push until next week?

Rescheduling would be fine; thank you.

David Fotouhi

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From: Siciliano, CarolAnn
Sent: Tuesday, August 1, 2017 3:27 PM
To: Fotouhi, David <fotouhi.david@epa.gov>
Cc: Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Schroer, Lee <schroer.lee@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>; Castanon, Lisa <Castanon.Lisa@epa.gov>; Marshall, Tom <marshall.tom@epa.gov>; Maher, Lauren <Maher.Lauren@epa.gov>
Subject: Stevens Treaty briefing tomorrow: push until next week?

David – WLO, CCILO and Region 10 are scheduled to brief you at 5 pm on Wednesday August 2 on the Stevens Indian Treaties and their relationship to Idaho WQS. However, we have just learned that no one from Region 10 can participate tomorrow, and we believe their participation is essential.

Because this briefing is only distantly related to Maine, Steve, Allyn and I believe that we can delay the Stevens Treaty briefing without impairing the Maine decision-making. We would like to reschedule the briefing to Thursday August 10. But we can certainly proceed tomorrow as scheduled.

What is your preference?

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